

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RADFER TRUST,

Plaintiff(s),

v.

FIRST UNUM LIFE INSURANCE
COMPANY OF AMERICA,

Defendant(s).

No. C 05-1867 PJH

ORDER DECLINING TO RELATE CASES

Before the court is the motion of defendant for the undersigned judge to consider whether a recently filed case entitled *Doe, et al. v. Hawkins, et al.*, case no. C 06-1502 MHP, is related to the above-entitled case, which was dismissed on August 17, 2005. Although the plaintiffs are different and the later-filed case has additional defendants, the cases arise out of the same operative facts and could properly be designated as related. However, in view of plaintiff's objection to the reassignment of the later-filed case to the undersigned based upon the undersigned's stated view of this litigation in the context of the motion to dismiss the earlier filed action, the court declines to relate the two cases and the later-filed case will proceed on the docket of Judge Patel.

IT IS SO ORDERED.

Dated: June 9, 2006



PHYLLIS J. HAMILTON
United States District Judge